

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

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ANTONIO CHOX-GUARCHAJ

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Defendant

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Case No. 5:19-MJ-481 (ATB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of July 25, 2019 in the county of Madison in the Northern District of New York the defendant violated:

Code Section
8 U.S.C. § 1326(a)

Offense Description
Reentry of Removed Alien

This criminal complaint is based on these facts:
See attached Affidavit.

Continued on the attached sheet.


Complainant's signature

Brandon T. Geer, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/31/2019


Judge's signature

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

City and State: Syracuse, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Onondaga) SS:
City of Syracuse)

Brandon T. Geer, being duly sworn, deposes and says that:

1. I am a Deportation Officer with the United States Department of Homeland Security, hereafter referred to as DHS, Immigration and Customs Enforcement, hereafter referred to as ICE. I have been so employed with ICE for one year. Previous to my employment with ICE, I was employed as a Border Patrol Agent with the United States Border Patrol for three years.
2. As a part of my duties during my employment with the ICE, I investigate violations of the Immigration and Nationality Act and violations of the United States Code, in particular Title 8, United States Code, Section 1326(a), regarding the re-entry of previously deported or removed aliens.
3. This affidavit is based upon my own knowledge, my review of official records of Immigration & Customs Enforcement (ICE), and upon information that I obtained from other law enforcement officers involved with this investigation.
4. I make this affidavit in support of the annexed Criminal Complaint charging Antonio CHOX-Guarchaj, with a violation of Title 8, United States Code, Section 1326(a), regarding the re-entry of previously deported or removed aliens.
5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to demonstrate that CHOX-Guarchaj has violated Title 8, United States Code, Section 1326(a).

6. On July 25, 2019, ICE Syracuse Sub-Office received a call for identification assistance from the Hamilton Police Department (HPD) and the Madison County Sheriff's Office (MCSO), pursuant to a report of two suspicious persons in the Village of Madison, New York. HPD and MCSO officers had been dispatched to a local business, after receiving a complaint from a concerned individual, who reported that two subjects, one of whom was later identified as CHOX-Guarchaj, had asked him to purchase alcohol for them. HPD and MCSO transported the two subjects to the HPD station for further investigation and identification. ICE officers responded to the HPD station and interviewed the two individuals. CHOX-Guarchaj readily admitted to being present in the United States without the necessary immigration documents. CHOX-Guarchaj's fingerprints were electronically captured and submitted to the Federal Bureau of Investigation, Identification Division in Clarksburg, West Virginia, via the EAGLE Directed Identification Environment (EDDIE) application. This submission produced a positive biometric match with an A# (XXX XXX 622) and an FBI number (XXXXXX-FC7) relating to Antonio CHOX-Guarchaj, a native and citizen of Guatemala, who was previously removed from the United States. CHOX-Guarchaj was placed under arrest and transported to the ICE Syracuse Sub-Office for further processing.

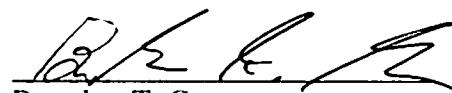
7. A review of the documents contained in the A-File and electronic records for CHOX-Guarchaj revealed the following:

- a. On or about December 9, 2004, CHOX-Guarchaj was ordered removed by an Immigration Judge in Los Angeles, California. On or about January 26, 2005, CHOX-Guarchaj was physically removed from the United States via the port of entry at Phoenix, Arizona to Guatemala. CHOX-Guarchaj was provided with a Warning to Alien ordered Removed or Deported (Form I-294), advising him that he would be in violation of Title 8, United States Code, Section 1326 if he entered, attempted to enter, or was found in the United States without the permission of the United States Attorney General,

or his Successor, the Secretary of Homeland Security.

Based on the above referenced immigration record checks; CHOX-Guarchaj has no valid immigration status in the United States and is illegally present. In addition, there is no evidence of any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, for CHOX-Guarchaj to have re-entered the United States after his last removal.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that Antonio CHOX-Guarchaj did commit the offense of re-entry after deportation or removal, in violation of Title 8, United States Code, Section 1326(a), in that he, a citizen and native of Guatemala, having been ordered removed from the United States on or about December 9, 2004, and having been physically removed from the United States on January 26, 2005, was thereafter found present in the Northern District of New York on July 25, 2019, without prior authorization or approval from the Attorney General of the United States or the Secretary of the Department of Homeland Security.



Brandon T. Geer
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me
This 31st day of July, 2019



Hon. Andrew T. Baxter
United States Magistrate Judge